

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Case No. 8:09CR457
)	
Plaintiff,)	
)	
vs.)	MOTION FOR ISSUANCE OF
)	SUBPOENA IN FORMA PAUPERIS
SHANNON WILLIAMS, et al,)	
)	
Defendant.)	

Shannon Williams moves the Court pursuant to *Fed.R.Crim.P.* 17(c) and *NECrimR* 17.2 for permission to issue a subpoena *in forma pauperis* commanding Sarah Jones, M.D., and/or Psychiatric Services, P.C., to produce at the earliest practicable time but no later than three (3) days following the service of the subpoena all medical records pertaining to the treatment of mental health patient Terry Haddock from and after February, 2009.

In support of this motion, Williams shows the Court:

1. The government, which does not oppose the issuance of the below prayed-for subpoena, in discovery supplied Williams with a copy of Haddock's response to a bar complaint which described Haddock's mental state during the time frame relevant to the issues raised in Williams' pretrial motions. In the response, Haddock recounts experiencing severe symptoms of mental illness, including a period encompassing November, 2008 to February, 2009, where he was in "a haze in which the facts are not clear."

2. In February, 2009, Haddock claims to have secured medical treatment for his condition from the above-identified Dr. Jones and another therapist in her office. He also recalls taking medications prescribed by Dr. Jones and others.

3. A judicial determination of Haddock's relative credibility will be required to properly dispose of Williams' pretrial motions. Medical records describing the state of Haddock's mental faculties and detailing the medications he was and is taking will assist the Court in making its findings.

4. Williams further tenders the affidavit of his undersigned counsel in support of this Motion in accordance with *NECrimR* 17.2 with the same incorporated herein by this reference. Because the government does not oppose the issuance of the subpoena sought by this Motion, Williams concludes *NECrimR* 12.3(b)(3) does not apply.

5. Williams proceeds herein *in forma pauperis* pursuant to the previous order of the Court. Accordingly, he requests the subpoena be issued by the Clerk, served at the direction of the undersigned and that he be relieved of any obligation to pay for the costs of said subpoena and witness fees and mileage expenses prior to trial.

6. Williams offers herewith a completed subpoena for issuance by the Clerk in the event it is determined this Motion should be granted.

WHEREFORE, Shannon Williams prays for an Order authorizing the issuance of the *Fed.R.Crim.P.* 17(c) subpoena described above.

SHANNON WILLIAMS, Defendant,

By /s/ Michael J. Tasset

His Attorney
JOHNSON AND MOCK
307 North Oakland Avenue
P.O. Box 62
Oakland, Nebraska 68045
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CERTIFICATE OF SERVICE

I, Michael J. Tasset, hereby certify that on November 17, 2010, I electronically filed the foregoing instrument with the Clerk of the Court using the CM/ECF system which sent notification of such filing to Maria R. Moran, Assistant United States Attorney.

/s/ Michael J. Tasset

Michael J. Tasset